C. F. 71 & 72—70,000—14-7-30

1933

Department of Land

OFFICE Board of Rev: L R Instt

STATION Mysore

Mis No. 310

Dated

A 81

To whom sent	Date	Initials
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	Signed	
	Given for despatch	
	Despatched	
	Indexed	
Pages in the file	To be destroyed on	

(SUBJECT.)

Village Officers - (Coimbatore) - Kollegal Taluk - Hokkanahalli Village - Headman - Appointment - Suit - Palaniappa founder's Pajarmes ended

C.F. 32.

In reply, please quote number. date and short

Revenue DEPARTMENT. 2821/32

Received *Registered* A 81

From (Name) M.R.Ry., A.K. Kunhiraman Nambiyar, Avl

(Designation) Revenue Divisional Officer,

Post Box ____, (Station) Kollegal.

Telegraphic Address ____

SECRETARIAT OFFICE 13322/32 6 OCT 1932 MADRAS

To The Secretary to the Commissioners of Land Revenue & Sett.

Madras.

Through

The Collector of Coimbat

Ref *No.* ~~Rev Suit~~ 1/32, *dated* 3-12-32. 19

Sir,

BOARD OF REVENUE 5 JAN 1933 LAND REVENUE AND SETTLEMENT

Enclosures 1933

Spare Copies

Village officers - headman - Kollegal Taluk - Lokkanahalli village - Kalappa Gounden deceased - succession suit by Palaniappa Gounden - whether prior dismissal from a karnam deputy's place is a disqualification to succeed. Reference to Board.

I submit the following reference under section 18 (1) of Act III of 1895 for the decision of the Board of Revenue.

2. On the death of Kalappa Gounden, the permanent village Head man of Lokkanahalli it was reported to me that his eldest son, K. Palaniappa Gounden was the next heir to succeed to the office vacated by Kalappa Gounden.

3. I found that K. Palaniappa Gounden had previously been dismissed from the office of ~~the~~ Karnam deputy of Hu[illegible]iyam village, the order of dismissal having on appeal been confirmed by the Collector. The dismissal was on charges of official acts of oppression and corruption. Please see Revenue Divisional Officer's Ref. No. 3685/29 dated 12-1-30 contained in this office R.Dis.No. 2685/29. The order said "From the charges proved, I think that the karnam is an extremely undesirable man. He is only a [illegible] I dismiss him from the post". The Collector, while holding that the evidence against the man was very meagre, thought that it was always difficult to get direct testimony to such acts, especially among persons of so primitive a standard of civilisation as in the hill villages of the Kollegal Taluk and confirmed the order of ~~xxx~~ dismissal passed by the Revenue Divisional Officer, Kollegal. (Please see Collr's

villagers. This is not specifically mentioned as a disqualification in the Act., I only held that the plaintiff was not of that frame of mind that was necessary for properly carrying out the functions of the responsible post of a village headman. It is doubtful, if the exclusion of the petitioner to succeed his father as village headman is quite in order.

6. I submit the point to the Board of Revenue for a ruling whether prior dismissal ~~xxxxxx~~ from a village office, whether hereditary or nonhereditary, or from Government service may be construed ~~xxx~~ as a mental incapacity of the kind referred to in section 10 (1) (c) of Act III of 1895 when the dismissed man becomes later on a heir to a hereditary village office.

5-12-32

Revenue Divisional Officer.

5.12.32

Enclosures

1. Kollegal Revenue Divisional Officer's file R.Dis.No. 1140/29.
2. " R.Dis.No. 2685/29.
3. " D.Dis.No. 1199/30.
4. " R.Dis.No. 1833/32.
5. Records in Revenue Suit I of 1932.

N. Dis 13322/32.

Forwarded to the Secretary to the Commissioner of Revenue & Settlement, Madras. The records mentioned in the accompanying list are also enclosed.

24/12/32

DE[illegible]

4-[illegible]33

Member

M
21232

W.T. N. Dis 1332 | 32 dt. -12-32

(1) Kollgal KDOS Rdis 1146 | 29 dt 4 8/29

(2) — Do — ——— RDis 2685 | 29 dt 5 2/30

(3) — Do — ——— D. Dis. 1199 | 30 dt 28 7/32

(4) — Do ——— RDis 1833 | 32 dt 21 9/32

(5) — Do — Records in Rev. Suit No 1 of 1932

(6) Colrs DDTS. 6290 | 30 dt 23 1/32

To

The Bd. L.R + Sch

Madras

By registered Post

22-12-32

7

Subject.

'OR MEMBER.

Village Offices - (Coimbatore) - Kollegal Taluk - Lokkanahalli Village - Headman - Appointment - Suit - Palaniappa Gounden K - Reference under section 18 of Act III of 1895 - Orders passed

READ AGAIN B. P. No. _____, dated _____ 193

" " " _____, " _____ 193

READ ALSO :—

Mr 1-3 cf. Register No. _____, From the A & I, No. _____, dated Q 193

" " _____, " " _____, " _____, " _____ 193

" " _____, " " _____, " _____, " _____ 193 .

RESOLUTION. Mis No. 310 dated 27. 1. 193

The plaintiff, who is the son of the deceased Headman of Lokkanahalli Village, was dismissed in 1930 for official acts of oppression and corruption committed as Deputy Tahsildar and his original order was confirmed by the Collector. Huggiyam Village on the death of the deceased Headman of Lokkanahalli Village, the Revenue Divisional Officer appointed the minor son of the plaintiff's younger brother overlooking the claims of the plaintiff in view of the above said dismissal

2. The plaintiff has brought a suit under Act III of 1895 to set aside defendant's appointment on the ground that he (plaintiff) is the next heir and the Rev: Divisional Officer has made a reference to the Board for decision under Section 18 of Act of III of 1895, on the question, whether the plaintiff's dismissal from the post of Deputy Karnam is a legal bar to his appointment to the Office of the Headman of Lokkamakal Village as next heir.

paras 5 p 2 of.

pp 765, 766 Madras Code Vol II

3. The Plaintiff was dismissed from the Deputy Karnam's Office for oppression, Corruption, etc Concocting a false case and making a false attestation in a forest case. They are serious offences and the Rev Divisional Officer was right in opinion that the plaintiff was unfit to be entrusted with the responsible duties of a Village Headman.

pp 93-96 (R) and pp 183-189 (U)

4) The Board considers that though ~~the~~ prima facie dismissal from a Village Office attaches ~~hereditary or non-hereditary~~ cannot be strictly construed as mental incapacity of the kind referred to in section 10 (1) (c) of Act III of 1895, it is a legal bar to his ~~becoming~~ appointment to any other Village Office at a future date. It therefore holds that the plaintiff's dismissal is a legal bar to his ~~being for~~ appointment for the Office of the Village Headman of Lolkandahalli notwithstanding the fact that he ~~may have~~ has a hereditary claim to it.

26/1/33
27/1/33

27-1-33.

(M2)
(S)

Note file

A.S.L.R | Village Officers - (Coimbatore) - Kollegal Taluk - Lokkanahalli Village - Headman - Appointment - Suit - Palaniappa Gounden K - Reference under section 18 of Act III of 1895

pp 1-3 c.f. — A 81

To Assistant Secretary

pp 1-3 c | Please see the reference under section 18 of Act III of 1895 from the Rev: Divisional Officer, Kollegal submitted by the Collector of Coimbatore on a question of law which has arisen in connection with a suit for the office of the Headman of Lokkanahalli Village.

#p3 c.f.

2) Attention is invited to the orders in B.P. Mis 2305 dated 6-8-1927 on a reference from the Rev: Divisional Officer, Narasaraopet. Hence it is not similar except that in the case quoted above the plaintiff was a dis-

pp 19-20 (V)
pp 2-3 (V)

(V)

pp 1-2 c.f. of Bf. mis 3093 / 14-10-1929 (L)

p 5 of Bf. mis 3093 / 14-10-1929 (L)

may be told that dismissal from a previous Village Office whether permanent or temporary is a legal bar for suing for the Office of the Village Headman and that the Rev: Divisional Officer's action in having disqualified Palaniappa Gounden is correct. ~~The~~ It has also been held in B.P. nos 2369 dated 18-6-1913 that a dismissed person should not be re-employed. The party has not as yet for hearing

3/. The Rev: Divisional Officer's interpretation that prior dismissal from a Village Office constitutes mental incapacity does not seem to be correct. In this connection attention is invited to the Secretary's note at pages 4-5 n/f of B.P. nos 2305 dated 6-8-1929.

fr 16/33 14-1-33 we must interpret the provisions of Act III of 1895 correctly. under what clause of S 10 (1) do the dismissed deputy tahsildars ineligible for the office of headman. In the order in (V) S 10 (1)-(b) was held to apply because the dismissed man claimed the same office. The Collector was of opinion that according to the correct interpretation of the Act the man dismissed could claim the office. Please put up the papers before to by him at p 4 n/f of (V).

A.S & R

To A.S.

(7) The B.P flagged 'F' ie B.P. Rous 3472 of 22-11-22 and the B.P. (T) 1267 Mis of 14-11-21 are herewith submitted. These are the B.P.s refers to at p. 4 ante N. F.O.T. (V) 12.8.

19/1/33 ~~for 23~~ The pleas dismissal dismissal came under the disqualifications in Section 10(1) of Act VI of 1895. The order in (V) F(S) shows that a dismissed V.D. is not eligible for reappointment.

for 19.1.33 Please see the Board's reference at p 12 ante of B.O 3472 dated 22-11-22. The point now raised was considered in that reference and the Board suggested to the Govt. the amendment of Rule II of 1894 and III of 1895. (The point in para 6 of the Rev. Divl. Officer's reference has to be decided in the negative though the result may not be satisfactory from an administrative point of view.

21-1-33

5'

I agree. Any other view would be based on as (to my mind) unjustifiable interpretation of "mentally incapable": there is a long step from the fact that a man has done wrong to the assault that he has done wrong because he doesn't know the difference between right & wrong! – an assault that wld. have to be proved, I think, to sustain such a view as was taken by the R.D.O.

With all due respect, I am very doubtful of the view taken in (V) (I gather that my predecessor had his doubts too). The then Member, too, remarked on the necessity for amending the Act. Before this goes to Mr2. office will note what was done on S's proposal, appeared by Mr. marked in blue on p. 4 N.F. of (V).

Whl
22.1.33.

In view
of it's no good trying to alt legislate.

Whl/25.1.33.

Mr2.

I think we mght to adhere to our view
upset by a Court at any rate it is clear altho' like
I am doubtful of its law.

Ch
25.1.33

25/1/33

A S L R

S

To Assistant Secretary

Draft submitted -

[illegible]
[illegible]

[illegible]